

2 EX-REAGAN AIDE MAINTAIN SILENCE IN HOUSE HEARING

By BERNARD GWERTZMAN
Special to The New York Times

WASHINGTON, Dec. 9 — Two former White House officials linked to the diversion of Iranian arms payments to the Nicaraguan rebels declined again today to answer questions before Congress, invoking their Fifth Amendment right against self-incrimination.

But Lieut. Col. Oliver L. North and his former immediate superior, Vice Adm. John M. Poindexter, told the House Foreign Affairs Committee in separate appearances that they wanted to cooperate fully and would reveal what they knew at the "appropriate time."

"I don't think there is another person in America that wants to tell this story as much as I do," Colonel North said in another appearance before a separate House committee investigating the affair.

An 'Appropriate' Forum

Lawyers for both Colonel North and Admiral Poindexter told the committee that neither was actively seeking immunity for his client. Under a grant of immunity, the two officers could testify without fear that what they said could be used in evidence against them.

The lawyers added that it was unclear when such an "appropriate" forum for them to testify could be found.

The colonel, who was dismissed by President Reagan, and Admiral Poindexter, who resigned as national security adviser, had each invoked the Fifth Amendment last week in testimony behind closed doors at the Senate Select Committee on Intelligence.

Today, former Maj. Gen. Richard V. Secord of the Air Force also refused to provide information to the Intelligence Committee on the same Constitutional grounds. General Secord has been linked to Colonel North in both the arms sales to Iran and the supplying of the Nicaraguan rebels, known as contras.

House Intelligence Hearings Start

Admiral Poindexter also invoked the Fifth Amendment later in the day in a closed hearing of the House Intelligence Committee, which also began its hearings.

The refusal of Admiral Poindexter and Colonel North to provide information was expected, but nevertheless was counter to President Reagan's assurances that the full record of the affair would be made available.

Meanwhile, a dispute erupted between Secretary of State George P. Shultz and William J. Casey, the Director of Central Intelligence, over a comment made Monday night by Mr. Shultz that Mr. Casey and Admiral Poindexter might have misled him

about the sale of arms to Iran.

While flying to London, Mr. Shultz told reporters on his plane that even though he had not been informed that arms sales to Iran were continuing this year, he learned enough toward the end of May to ask Mr. Casey and Admiral Poindexter about it.

'Told to Stand Down'

He said they both told him that "this operation has been told to stand down." But subsequently it was learned that Robert C. McFarlane, Admiral Poindexter's predecessor as national security adviser, had flown to Teheran on May 28 with Colonel North, some C.I.A. personnel, and an Israeli official on a plane carrying arms for Iran.

Mr. Shultz said it was possible that the operation had been ended, but then resumed.

But Mr. Casey, through his spokesman, George Lauder, said "he has no recollection of assuring Secretary Shultz last May that the United States was not sending arms to Iran."

"Moreover agency records do not reveal any such discussion," Mr. Lauder added. "Secretary Shultz appears to be mistaken."

Intelligence Panel Hearings

In the hearings today, Representative Lee H. Hamilton, Democrat of Indiana, chairman of the House Intelligence Committee, told Colonel North that he hoped a way would be found for him to testify. Mr. Hamilton added that he hoped the Marine officer recognized how important it was to the United States for him to do so.

"I do, Mr. Hamilton," Colonel North replied, "and I don't think there is another person in America that wants to tell this story as much as I do."

Admiral Poindexter's resignation was announced on Nov. 25 and Colonel North was dismissed on the same day, when Attorney General Edwin Meese 3d disclosed that some payments made by Iran for American arms had been diverted without authorization to the Nicaraguan rebels. He said that Colonel North was the only official to have details of the alleged diversion and that Admiral Poindexter knew about it.

Senator Dave Durenberger, Republican of Minnesota, chairman of the Senate Intelligence Committee, said his committee has discovered that the amount of money that might have flowed to the contras from the secret arms sales to Iran seemed to be much less than first disclosed by Attorney General Edwin Meese 3d on Nov. 25. Mr. Meese said then that preliminary data indicated the amount was between \$12 million and \$30 million.

But later, another member of the panel, Senator William S. Cohen, Re-

publican of Maine, disputed Mr. Durenberger, saying "we don't have a real fix" on how much money was involved. He said that because "we haven't heard from key witnesses," there was no way of knowing. He estimated that the amount diverted to the contras could be anywhere from \$10 million to \$30 million.

The hearing before the House Foreign Affairs Committee was unusual because it was the first time in memory that the Fifth Amendment had been invoked there by witnesses. And each of the witnesses, who appeared separately, sought to leave the impression that he wanted to cooperate fully and tell everything he knew.

Both were urged by Representative Dante B. Fascell, Democrat of Florida, the chairman, and other committee members to be forthcoming, even though there was no criticism voiced of their use of the Fifth Amendment.

Colonel North, who followed Admiral Poindexter, was dressed in his Marine uniform, bedecked with many decorations. He seemed distressed at not being able to answer questions, telling the committee, "I am anxious as I know that you are to put this matter behind us and to facilitate the important business of protecting the national security interests of the United States."

'My Strong Desire'

"Despite my strong desire to provide Congress with my recollection of the facts pertaining to this matter, counsel has advised me that I should avail myself of the protections provided by that same Constitution that I have fought to support and defend," he said.

Mr. Hamilton had earlier told Admiral Poindexter that he had been "distressed" that for the first time in history an admiral on active service had invoked the Fifth Amendment.

Admiral Poindexter, dressed in a dark suit, white shirt, and tie, looked professorial as he puffed on a pipe during his appearance. He told the committee that "it is my sincere desire to assist this committee to the best of my ability" and that "I firmly believe, as the President has stated several times, that this committee and the American people have the right to know all of the relevant facts regarding the activities of the National Security Council staff.

"However, because of my attorneys' stated concerns, and their advice that I not testify at this time, I have requested that my testimony be postponed," he said. "If you should insist on my testifying at this time, I will respectfully and regretfully have to decline on the advice of counsel because of my Constitutional rights under the Fifth Amendment."

'On the Advice of My Attorneys'

Admiral Poindexter was asked a direct question by Representative Fascell, to which he answered: "I'd like to answer that question and hope to be given an opportunity at another time. However, on the advice of my attorneys, I must decline to answer that question at this time because of my Constitutional rights under the Fifth

STAT

STAT

STAT

STAT

Continued

Amendment.

After responding in the same fashion to a question by the ranking Republican, Representative William S. Broomfield of Michigan, Admiral Poindexter surprised the committee by answering a question on the strategic importance of Iran to the United States.

This led to further efforts to elicit answers that proved unavailing. At one point, Admiral Poindexter's lawyer, Richard W. Beckler, complained that the committee was not living up to ground rules set in advance, which provided that he would not be required to invoke the Fifth Amendment repeatedly.

"Let me reiterate," Mr. Beckler said, "that we have very strong feelings here about whether or not this admiral has done anything right or wrong, and we believe that what he has done has been right."

"And I do not — I would hope that this invocation of the Fifth Amendment does not leave people with a different impression at this time," he said.

Mr. Fascell said he operated on the assumption that everyone was entitled to his Constitutional rights and that everyone was innocent "until somebody proves him guilty."

The sharpest exchange occurred when Representative Michael D. Barnes, Democrat of Maryland, who is retiring this year, urged Admiral Poindexter to testify by trying to assure him that "the worst thing that can happen to you" is to be found guilty by a jury and "you would probably have a very short, probably suspended sentence."

Mr. Beckler, clearly angered, interjected that for Mr. Barnes "to suggest that my client would be convicted and then get a suspended sentence is nothing less than outrageous." After applause died down in the room, Mr. Barnes said he did not mean to imply that the admiral was guilty of a crime and he apologized.

There has been considerable speculation that the two former White House officials were hoping to be given immunity by Congress.

Subject of 'Spirited Debate'

The subject of immunity came up at the Senate Intelligence Committee, according to Senator Durenberger, who said it was a subject of "spirited debate" at a business meeting.

Senator Orrin G. Hatch, Republican of Utah, who often speaks for the Administration on the committee, called for a blanket grant of immunity.

"I personally believe that in order to get rid of this problem and resolve it in the minds of the American people, we should grant immunity to Admiral Poindexter, Colonel North and to some others who feel inclined to take the Fifth Amendment," he told reporters.